

October 27, 2008

The Common Council met as the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Waters; Capt. Allyn; Judy and Dave Whitten; Rich DeMarco – Johnson Controls, Inc.; Joe and Judy Winiger; Mindy Bourne – Posey County Area Plan Commission; Rick Mileham; Mark Wright – Baker & Daniels; Patrick Mendel; Pam Robinson – Posey County News; and arriving during the meeting, Comm. Maynard; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren move the claims presented be allowed for payment. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has a presentation to make to Supt. Gray, and he then asked him to approach the podium. He stated Mt. Vernon Water Works has been awarded two certificates of appreciation from the Indiana Department of Health, awarded in 2006, but just now having received them. He stated the first is in recognition of 50 years of the city using fluoride in their water, one of the first to do so in the state. The second, he stated, is a fluoridation quality award. He added both certificates cite the excellent work by Supt. Charles Gray.

Chairman Curtis then stated Mr. DeMarco was kind enough to take him through the new facility and he is present tonight with an update.

Comm. Maynard arrived at the meeting.

Chairman Curtis then added he is not an engineer, but it seems to him the quality of work going on down there is excellent and should be around for a long time. He then thanked Mr. DeMarco for taking the time to take him through the facility; JCI is doing very nice work.

Mr. DeMarco thanked Chairman Curtis for his kind words and agreed the facility should be around for a long time. He stated since this Board last met, their main focus has been on the new filtration building. They have installed the faults works, the floor rebar has been put in and the floor poured. He continued by stating the pad for the filters has also been poured. He stated they hope to set the filters later next week, Monday or Tuesday. He then stated the city should be aware they saved a significant amount of money on purchasing the Trident filters when they did; they would have cost three times today what they paid for them when they were purchased. He then added that the structural steel should be going in by the end of next week, and hopefully they will be under roof by mid to late December. He stated shortly after that the power will follow.

Mr. DeMarco stated in reference to the pumping station, the electronics and control panels have been installed and the pump will be turned on and checked tomorrow.

He then stated the backwash supply excavation is done and the piping and conduits are in as well. He added the siding and insulation are being put in place too. He stated in reference to Keck's, work is progressing there as well and they are on course.

Chairman Curtis stated he noticed on the tour that JCI is doing a nice job as well taking into consideration the workers' jobs, re: safety issues, etc. Again, he stated, JCI is going a nice job and he appreciates it.

Mayor Tucker asked if there was anything further ?

Chairman Curtis stated he had no further.

Mayor Tucker asked if Supt. Gray had a report ?

Supt. Gray stated he has no report.

Mayor Tucker questioned the Financial Report.

Clerk-Treasurer Wolfe stated she received that last week and will get copies to the Board.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated on the Legal portion of the Agenda is Mycogen Seeds with a request for a water tap.

Attorney Higgins stated Mr. Wright and Mr. Mendel are present should the Board have any questions. She then stated they are requesting the tap for their facility east of town. They have initiated the agreement, but there was some language they yet needed to nail down, and as a reminder to the Board, they are located outside the city limits which means they will need to sign a waiver against remonstrance to annexation. She added Mycogen will also maintain the line until a time at which the city may take it over. She then stated they have talked with Supt. Gray and he is on Board with the request.

Supt. Gray added there is no pressure problem in this area, the plant can handle their request and at this point, they just need to hook up.

Board member Curtis questioned any additional use later on, if the plant could handle that ?

Mr. Mendel replied they have nothing planned at this time, but it is hard to say.

Supt. Gray added they are only requesting a 2" tap.

Board member Curtis thanked Supt. Gray for that information and added that was what he was looking for. He then moved permission for the 2" tap be given, pending final paperwork. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote

Roll was called by the Clerk-Treasurer with Board voting as follow:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mr. Mendel and Mr. Wright then left the meeting.

Mayor Tucker asked if there were any other Legals for consideration ?

Attorney Higgins stated she would request the Utility Board allow Chairman Curtis to sign the purchase agreement for the Seibert land purchase offer.

Board member Hoehn moved Chairman Curtis be authorized to sign offer agreement. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker then stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Askren moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Waters; Capt. Allyn; Judy and Dave Whitten; Rich DeMarco – Johnson Controls, Inc.; Joe and Judy Winiger; Mindy Bourne – Posey County Area Plan Commission; Rick Mileham; Pam Robinson – Posey County News; Comm. Maynard; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police A & Dog Chairman Fuelling stated he has no report.

Capt. Allyn reported the police department is continuing the Halloween Extra Patrols through this weekend, and Friday is the Annual Safe Halloween candy give-a-way from 3:00 pm until 6:00 pm or until they run out of candy.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.
Chief Waters stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Sewer Chairwoman Higgins stated she has no report.
Supt. Givens stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated the first item on the Legal portion of the Agenda is the third reading of the Ordinance Creating Rules for Electronic Communications Policy of the City of Mount Vernon, Indiana.
Councilwoman Askren moved the ordinance pass final reading. Seconded by Councilwoman Hoehn.
Mayor Tucker asked if there was any discussion ?
There was none.
Mayor Tucker requested a roll call vote.
Roll was called by the Clerk-Treasurer with Council voting as follows:
Askren – yes; Fuelling – yes; Hoehn – yes;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried.
Clerk-Treasurer Wolfe added it will be numbered 08-23.

Mayor Tucker stated the next item is the third reading on an Ordinance Establishing a Policy Prohibiting Sexual Harassment.
Councilwoman Hoehn moved the ordinance pass on final reading. Seconded by Councilwoman Askren.
Mayor Tucker asked if there was any discussion ?
There was none.
Mayor Tucker requested a roll call vote.
Roll was called by the Clerk-Treasurer with Council voting as follows:
Askren – yes; Fuelling – yes; Hoehn – yes;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried.
Clerk-Treasurer Wolfe added it will be numbered 08-24.

Mayor Tucker stated the next item is the second reading on an Ordinance to Rezone Certain Real Estate in the City of Mt. Vernon, State of Indiana, More Commonly Known as 722 Main Street, City of Mt. Vernon, in Black Township, Posey County, IN, from O (office district) to CG (commercial general).
Councilwoman Askren stated no one has contacted her opposing the rezoning, she feels they should go forward. She then moved the ordinance pass second reading. Seconded by Councilman Curtis.
Mayor Tucker requested a roll call vote.
Roll was called by the Clerk-Treasurer with Council voting as follows:
Askren – yes; Fuelling – yes; Hoehn – yes;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried.

Councilman Curtis moved the rules be suspended and the ordinance pass on final reading. Seconded by Councilman Fuelling.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 08-25.

Mayor Tucker stated the next item for consideration is the first reading of the proposed Ordinance Establishing Salaries and Wages for the Elected Officers of the City of Mount Vernon, IN for the Year Ending December 31, 2009 and Payable from the General Fund, Water and Sewer Utilities.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Mayor Tucker stated next is An Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title 15 Land Usage, Chapter 153-Zoning Code, Section 153.146 (C)-Use Conditions – Political Campaign Signs. He then asked that Mindy Bourne of the APC approach the podium.

Ms. Bourne stated in Spring 2008 the Council approved an ordinance to remove the time period on political campaign signs; awhile back, she was contacted by Attorney Higgins concerning having the entire paragraph deleted where there would be no criteria on political signs, they would be treated like any other sign.

Attorney Higgins added this is in a sense, a clean up ordinance to the one passed in the Spring.

Councilwoman Hoehn moved the ordinance pass on first reading. Seconded by Councilwoman Higgins.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Councilman Curtis moved the rules be suspended. Seconded by Councilwoman Hoehn.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Councilman Curtis moved the ordinance pass on second and third readings. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 08-26.

Mayor Tucker stated next is a petition to vacate a portion of Barter Street, as requested by the MSD of Mt. Vernon.

Attorney Higgins stated this is a result of the traffic flow safety issues at West Elementary School due to their recent remodel. She added after researching this, the city owns that section of Barter Street, which is actually used as the school's main driveway.

Councilman Fuelling moved the Council proceed with the vacation as requested. Seconded by Councilwoman Hoehn.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Mayor Tucker stated the next item is the first reading of an Ordinance Amending the Schedule of Rates and Charges for Weekly Trash Pick-Up to be Collected by the City of Mount Vernon, Indiana from the Customers Served by the Street/Sanitation Department of the City of Mount Vernon, Indiana.

Attorney Higgins stated this has come about after a study by Councilman Fuelling and Comm. Maynard whereas it was discovered the city is paying more for the operation of this service than they are taking in. She then stated the increase averaged out to around 54%.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

Councilman Curtis stated he has received some phone calls on this, not opposition, just concern over the amount of trash that some residents put out. He then stated this increase is a good start anyway, and he has not heard any objections to it.

Councilman Fuelling agreed and added he has heard many positive comments.

Councilwoman Hoehn stated she has heard several comments too, and most people are grateful the city is doing the incrementally instead of all at once and they appreciate that fact. She added she feels the increase will be accepted.

Councilman Fuelling added there is no increase on the cost of special pick ups.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Mayor Tucker stated the next item is a proposed Ordinance to Amend the City of Mt. Vernon Code or Ordinances, Title VII-Traffic Code, Chapter 75-Parking Schedules-Schedule IX-Residential Parking Zones Only. He stated this is for areas around the high school, to clean up the original ordinance.

Councilwoman Askren moved ordinance pass first reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there were any questions ?

Councilman Fuelling stated he there are currently no problems in the area, and the students are doing a better job, but he believes three or so signs need to be added to the schedule, as well as a street.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Councilwoman Hoehn moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

councilwoman Hoehn moved the ordinance pass on second and third readings. seconded by Councilman Fuelling.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 08-27.

Attorney Higgins stated in reference to the water rate ordinance, adding the new super user tier, they will hold a public hearing on November 24, and it will be up for second reading November 10.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilwoman Hoehn stated she has met with the Riverbend Coalition concerning the trees, as well as the Evansville arborist, who shared useful information with the Coalition. She added they have set up a subcommittee and they are getting a plan together and getting the committee itself going. She then stated they were told that the best time to plant trees is when they are dormant, which will be coming up.

Councilman Fuelling stated it turns out only a small number of trees will need to be replaced right away, which is a good thing.

Councilwoman Hoehn added they hope to replace nine trees this year, attempt to anyway. She then stated the arborist suggested they get a two year guarantee on the trees they do purchase. She concluded by stating Comm. Maynard has done a great job in removing the trees that have already been removed.

Mayor Tucker asked if there was any New Business ?

Councilman Fuelling presented the following from the Mount Vernon Silo Task Force:

City planners have been evaluating various options for the abandoned silo located at Main and E. Water Street. The primary options under consideration have been to either modify the existing structure for some commercial venture, or to demolish the structure and use the site for other future projects yet to be determined. Making the best possible decision for the city will require a detailed gathering of facts and cost considerations for the various alternative plans.

Commercial utilization of the existing structure will require an interested party to bring forth a viable business plan for consideration by the City. As for the demolition option, there is still a need to gather factual information about the total cost of demolishing the structure and clearing the site. To that end, Mayor John Tucker has appointed a local task force to study the demolition option in more detail. The task force, chaired by Stephen Fuelling (Mt. Vernon City Councilman), is charged with determining the lowest cost estimate for safely demolishing the structure and clearing the site for future city use. The task force will seek the input of the Indiana Department of Environmental Management (IDEM) to insure the demolition plans are in compliance

with all federal and state requirements. Following development of an approved plan, costs will be estimated by soliciting bids from qualified contractors. The task force will also evaluate various options for funding the demolition, including the use of state, federal and privately available funds.

The findings of the task force will be presented to the City Council, for its consideration among other economically viable options for the abandoned mill.

Judy Whitten then approached the podium and stated she would like to that the committee for their work on this project. She added the riverfront is Mt. Vernon's Waikiki Beach, and once the project is completed, the riverfront will have been enhanced in the right direction. She stated she is glad to see that this project has not fallen by the wayside, and she commends the Mayor and the Council for their efforts. Council then concurred to move forward with the Task Force's plan of action.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilwoman Hoehn stated she has no report.

4th District Councilman Curtis stated he ha no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated tomorrow, from 8:00 am to 1:00 pm, the American Queen will be docked at the city's riverfront. He then stated if there were no further business, he entertains a motion to adjourn. councilman Fuelling moved the meeting be adjourned. seconded by Councilman Curtis Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer